

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 27 OF 2020
IN
INCOME TAX APPEAL NO. 24 OF 2017**

The Pr. Commissioner of Income
Tax – 1, Aurangabad .. Applicant

Versus

Anand Omprakash Pahade .. Respondent

Shri Alok M. Sharma, Advocate for the Applicant.

**CORAM : S. V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.
DATE : 14TH FEBRURY 2020.**

FINAL ORDER :

- . We have heard the learned counsel for the applicant.
2. Though the respondent is served, none appears for the respondent.
3. Mr. Sharma, the learned counsel for the applicant submits that, due to miss communication between the department and the learned advocate, the appeal was withdrawn, however, subsequently letter dated 24th September, 2019 received from the department could not be noticed that the appeal cannot be withdrawn in view of Circular dated 20th August, 2018.

4. We feel that there was bonafide mistake. In the light of that, the order dated 11.12.2019 passed in Income Tax Appeal No. 44 of 2019 is recalled and Income Tax appeal No. 44 of 2019 is restored to its original position.

5. The civil application is disposed of.

[SHRIKANT D. KULKARNI, J.] [S. V. GANGAPURWALA, J.]

bsb/Feb. 20